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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,941	07/07/2003	Robert E. Norris	1208	6794
7590	08/25/2004		EXAMINER	
Law Offices of John D. Gugliotta, PE, Esq. 202 Delaware Building 137 South Main Street Akron, OH 44308			LEV, BRUCE ALLEN	
			ART UNIT	PAPER NUMBER
				3634

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/613,941	NORRIS, ROBERT E.
	Examiner	Art Unit
	Bruce A. Lev	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 August 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

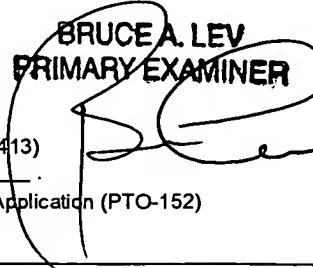
- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.



BRUCE A. LEV
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claim 1, there is an inconsistency between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. For example, the preamble clearly indicates that the subcombination of an "escape apparatus" is being claimed. However, the body of the claim positively recites the "building", e.g., "mounted to an outward wall", in line 5, and "mounted to an upper landing wall", in line 8, which indicates the claims as being drawn to a combination of the "apparatus" and the "building". Therefore, the applicant is required to clarify what the claims are intended to be drawn to, i.e., either the "apparatus" alone or in combination with the "building", and to present the claims with the language which is consistent with the invention. The applicant should note that "adapted to be" language may be appropriate if claiming the "apparatus" alone (i.e., "adapted to be secured to").

Claim Rejections - 35 USC § 103

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sternberg 6,616,396 in view of Buffaloe 5,769,593*.

Sternberg sets forth an apparatus comprising a ramp platform 18; a plurality of hinges (inclusive of members 52; and a motion retarding reel 32 comprising a cable 28 and hook 37. What Sternberg does not set forth is a latch for impinging the ramp between stowed and deployed states. However, **Buffaloe teaches** the use of a latch 88 within a ramp system for impinging a ramp between stowed and deployed states. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Sternberg by incorporating a latch, as taught by Buffaloe, in order to impinging the ramp between stowed and deployed states.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sternberg in view of Buffaloe further in view of Beeman 6,009,587.**

Sternberg in view of Buffaloe set forth the apparatus, as advanced above, except for the lip edge on the ramp platform. However, **Beeman teaches** the use of lip edges 4 upon a ramp platform. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Sternberg in view of Buffaloe by incorporating a lip edge, as taught by Beeman, in order to resist an object from running off the side(s) of the platform during use.

Response to Amendment

Applicant's remarks filed August 5, 2004 have been fully considered but they are not deemed to be persuasive.

As concerns remarks pertaining to the ramp of Sternberg not spanning the distance from the upper landing to the lower landing of a/the stairway, the examiner points out that the upper landing and the lower landing are NOT being claimed as part of the invention, and therefore cannot be compared thereto. As for the rollers and notches of Sternberg, the examiner takes the position that since the rollers and notches can and do act as a pivot point between the ramp and landing, they can be viewed as a hinge and/or hinge point. Finally, as concerns the motion retarding reel, the examiner points out that the electric "winch" of Sternberg does "retard" motion, and that the language of "self-retracting" is not supported by any mechanical limitations within the claim, and since the reel of Sternberg CAN be retracted (even if requiring electric power), it follows that it CAN be self-retracted.

Conclusion

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

8/20/2004



Bruce A. Lev
Primary Examiner
Group 3600